UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,363	12/31/2003	Krishna Bharat	Google-44 (GP-096-00-US)	4908

26479	7590	12/23/2005

STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

EXAMINER
AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 October 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-68</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-68</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

This is in response to an amendment file on 10/11/2005 for letter for patent filed on 12/31/2003. In the amendment, claims 65-68 have been added. Claims 1-68 are pending in the letter.

Response to Arguments

1.   The United States Patent and Trademark Office has fully considered the applicant's arguments filed on 10/11/2005, but has not found those arguments to be persuasive.

Applicant argued that the prior art has failed to teach the aspects of user profiles based on past queries of documents submitted by user. Specifically, Hertz discloses different types of profiles, such as search and query profiles associated with documents or target objects queried by the user. Target objects movies to watch, items to buys and newspapers of interests (column 6, lines 10-13, lines 37-38).

Within the targeted objects or documents, Hertz' invention also develops "attributes" for the specific document/target objects of the user. These attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement), (2) short pieces of text (name of a movie's director, name of town from which an advertisement was placed, name of the language in which an article was written), (3) numeric measurements (price of a product, rating given to a movie, reading level of a book), (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document) (column 42, lines 50-67). These attributes are based on past behavior of the user; for example, the system might monitor which documents the user chooses to read, or

not to read, and how much time the user spends reading them (column 17, lines 35-38).

According Hertz, creating a profile from past behavior to predict future behavior is also well

known in the art (column 41, lines 54-59).

Figures 7-9 show the topology and hierarchy of a cluster tree of documents/target profile

of the user (column 24, lines 15-67).

Status of Claims

2.   Claims 1-64 have been examined.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) The invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-26 and 33-58 are rejected under 35 U.S.C. 102 (b) as being anticipated by Herz

et al. (U.S 5,754,939).

As per claims 1-26 and 33-58, Herz et al. discloses a computer system for evaluating

customer and document/object profiles to automatically generate "target profiles" that most

likely will interest the user. The computer system comprises apparatus with means (column 28,

lines 43-67, columns 29, 30, figures 1 and 2) to do the following:

- Obtaining user profile attributes such as age and zip code (physical location) (column 4, lines 54-55). The system also stores profiles of documents which enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy (column 4, lines 35-42) – *Claims 1, 14, 33, 46*

- Getting a summary of digital profiles of target objects that user likes or dislike (column 4, lines 56-58). The system can also infer the user/document interest (profile) from the user's behavior (column 17, lines 33-35). For example, the system might monitor which documents the user chooses to read, or not to read, and how much time the user spends reading them (column 17, lines 35-38) - *Claims 1, 3, 14, 33, 35, 46*

- Getting user profiles determined from past searches submitted by user (column 4, lines 58-61) – *Claims 2, 4, 34, 36*

- Attributes having values (column 10, lines 8-9, line 52, column 12, line 58) and scores (column 12, lines 60-67, column 13, lines 1-9). The score represents the frequency in which a particular attributes appears in a document. Thus, the score represents the likelihood of particular attribute being correct – *Claims 5, 6, 18, 19,* 37, 38, 50, 51

- A node being examined as a device that is connected, as part of a computer network and the way data is stored in those devices so that it can be used efficiently. The edges are being examined as a set of connections or links between objects or nodes. In figures 1 and 2, these devices consist of information servers (figure 1 items I1 and In), vendor servers (figure 1, items V1 and Vn) and user devices (figure 2, items T1-Tn). These nodes and links are further represented in figures 3 and 4. The information servers contain the target documents (column 26, line 37, column 29, line 1-5) being requested

and accessed by the user (column 28, 66-67, column 29, lines 1-5). The system can link

users to documents based on users' interest to the documents or other documents

associated with each link (column 60, lines 62-64) – *Claims 7, 20, 39, 52*

- FIG. 3 illustrates in block diagram form a representation a network topology for a

  plurality of servers, each of which is interconnected to at least one other server and

  typically also to a plurality of clients (column 30, lines 65-67, column 31, lines 1-6). The

  devices are interconnected based on the relationship of the data/files contained in a

  particular device (column 31, lines 6-22). These relationships are (column 4, lines 55-

  67). Figures 7-9 show the topology and hierarchy of a cluster tree of documents/target

  profile of the user (column 24, lines 15-67) – *Claims 7-12, 20-25, 39-44, 52-57*:

  a. Documents that a user likes and/or dislikes

  b. Profile consisting of a collection of attributes, such that a documents that a

  user likes whose profiles are similar to another collection of documents' attributes

  c. Specifics of a particular interest summary

  d. A collection of documents with similar profiles

- Attributes are multiplies by a weight, a weighted attributes are added together (column

  18, lines 63-67, column 19, lines 1-7) – *Claims 13, 26, 45, 58*

- The system gathers documents with similar profiles, based on their content. In this case,

  the system gets information about intrinsic properties of users and/or documents (column

  23, lines 55-65). Figures 7-9 show the topology and hierarchy of a cluster tree of

  documents/target profile of the user (column 24, lines 15-67). – *Claims 15, 17, 47*

- System using document meta data (column 11, lines 4-15) – *Claims 16, 17, 48, 49*

- Within the targeted objects or documents, Hertz' invention also develops "attributes" for the specific document/target objects of the user. These attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement), (2) short pieces of text (name of a movie's director, name of town from which an advertisement was placed, name of the language in which an article was written), (3) numeric measurements (price of a product, rating given to a movie, reading level of a book), (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document) (column 42, lines 50-67). These attributes are based on past behavior of the user; for example, the system might monitor which documents the user chooses to read, or not to read, and how much time the user spends reading them (column 17, lines 35-38) – *Claims 65-68*

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 27-32 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (U.S 5,754,939), in view of Mai et al. (U.S 20020049635).

As per claims 27-32 and 59-64, Herz et al. disclose Herz et al. discloses a computer system for evaluating customer and document/object profiles to automatically generate "target

profiles" that most likely will interest the user. The computer system comprises apparatus with means (column 28, lines 43-67, columns 29, 30, figures 1 and 2) to do the following:

- Obtaining user profile attributes such as age and zip code (physical location) (column 4, lines 54-55). The system also stores profiles of documents which enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy (column 4, lines 35-42)

- Getting a summary of digital profiles of target objects that user likes or dislike (column 4, lines 56-58). The system can also infer the user/document interest (profile) from the user's behavior (column 17, lines 33-35). For example, the system might monitor which documents the user chooses to read, or not to read, and how much time the user spends reading them (column 17, lines 35-38)

- Getting user profiles determined from past searches submitted by user (column 4, lines 58-61)

- In a addition to age and geographic location, Herz et al. also teaches the user's natural language associated with attributes (column 63, lines 45-48)

- Matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the ads' characteristics (column 6, 4-7). Attributes of a document may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement) (column 6, lines 20-23)

Herz et al. did not explicitly describe a method/apparatus in which the ads are scored based on the attributes of the users and documents. However, Mai et al. describes a method that

assigns a score to each advertisement based on the advertisement's correlation with the user profile (e.g., correlation to the content preferences and/or demographic data in the user profile 12) (page 8, ¶ 77). For example, an advertisement will receive a highest score if there is an exact match between an advertisement's correlation number and the displayed content's program classification (e.g., the advertisement for golf clubs for display during the display of a golf tournament), a second highest score if the correlation number is in the same sub-category as the program classification 82, but not an exact match (i.e., different program type indicated by numbers), a third highest score if the correlation number is in the same general category as the program classification 82, and so on (page 5, ¶ 46). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system method/apparatus in which ads are scored based on the attributes of the users and documents. It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system method/apparatus in which ads are scored based on the attributes of the users and documents because it would provide advertisers with means to measure their ads by indicating how well an advertisement correlates with a particular item of displayed content (page 5, ¶ 46). By measuring the efficiency of ads, advertiser may be able reduce their advertising costs by paying less for ads that don't score very high.

Conclusion

7.   **THIS ACTION IS MADE FINAL, as necessitated by applicant's amendment.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The

examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

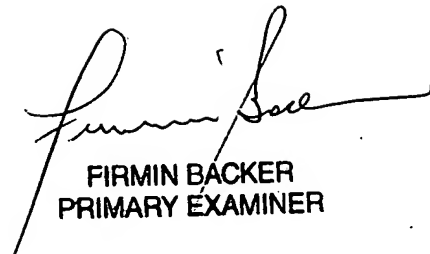supervisor, Jim Trammel can be reached on 571-272-6712.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is 571-272-6584.

Evens J. Augustin
December 12, 2005
Art Unit 3621

FIRMIN BACKER
PRIMARY EXAMINER